

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HUNTAIR, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 07 C 6890
CLIMATECRAFT, INC.,)	
)	
Defendant.)	
_____)	The Honorable David H. Coar
)	
CLIMATECRAFT, INC.,)	
)	
Counterclaim Plaintiff,)	
)	Magistrate Judge Morton Denlow
v.)	
)	
HUNTAIR, INC.,)	
)	
Counterclaim Defendant.)	

**CLIMATECRAFT, INC.’S MOTION FOR LEAVE *INSTANTER* TO FILE AN OVERSIZE
RESPONSIVE BRIEF ON CLAIM CONSTRUCTION**

Defendant and Counterclaimant, ClimateCraft, Inc. (“ClimateCraft”), submits this Motion for Leave *Instanter* to File an Oversize Responsive Brief on Claim Construction. Plaintiff and Counterclaim-Defendant, Huntair, Inc. (“Huntair”), has not indicated whether it will oppose this motion.

ClimateCraft seeks this relief for the following reasons:

- There are two patents in suit. While they share a common specification, their prosecution histories are somewhat involved and have a direct impact on the construction of the terms at issue;
- the technology involved is complex, particularly as the physics of air flow and the science of fan efficiency interrelate, and Huntair’s initial submissions have confused key principals of physics, requiring responsive explanation;

- ClimateCraft has asserted that each of the claims is indefinite under 35 U.S.C. § 112 ¶ 2, and set forth the reasons why the Court should enter judgment of invalidity now;
- ClimateCraft believes that a full explanation of the bases for its position will better serve the Court and is in the interests of judicial economy; and
- submission of an oversized brief will not unduly prejudice Huntair.

The brief as submitted herewith is 22 pages long. ClimateCraft urges that this Motion be granted.

Respectfully submitted,

Dated: July 21, 2008

/s/ Charles C. Kinne

Charles C. Kinne

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
**CLIMATECRAFT, INC.'S MOTION FOR LEAVE *INSTANTER* TO FILE AN OVERSIZE RESPONSIVE
BRIEF ON CLAIM CONSTRUCTION** was served by ECF upon:

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this 21st day of July, 2008.

/s/ Charles C. Kinne
Attorney for ClimateCraft, Inc.